
HOUSE BILL 1008

State of Washington 60th Legislature 2007 Regular Session

By Representatives Moeller, Lovick, Kagi, Cody, Appleton, Conway, Morrell, Kenney, Simpson, B. Sullivan, Goodman and Lantz

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1 AN ACT Relating to the protection of vulnerable adults; amending
2 RCW 74.34.110 and 74.34.210; reenacting and amending RCW 74.34.130; and
3 adding a new section to chapter 74.34 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 74.34.110 and 1999 c 176 s 12 are each amended to read
6 as follows:

7 An action known as a petition for an order for protection of a
8 vulnerable adult in cases of abandonment, abuse, financial
9 exploitation, or neglect is created.

10 (1) A vulnerable adult, or person on behalf of the vulnerable
11 adult, may seek relief from abandonment, abuse, financial exploitation,
12 or neglect, or the threat thereof, by filing a petition for an order
13 for protection in superior court.

14 (2) A petition shall allege that the petitioner is a vulnerable
15 adult and that the petitioner has been abandoned, abused, financially
16 exploited, or neglected, or is threatened with abandonment, abuse,
17 financial exploitation, or neglect by respondent.

18 (3) A petition shall be accompanied by affidavit made under oath

1 stating the specific facts and circumstances which demonstrate the need
2 for the relief sought.

3 (4) A petition for an order may be made whether or not there is a
4 pending lawsuit, complaint, petition, or other action between the
5 parties.

6 (5) Within ninety days of receipt of the master copy from the
7 administrative office of the courts, all court clerk's offices shall
8 make available the standardized forms and instructions required by
9 section 2 of this act.

10 (6) Any assistance or information provided by a person, including
11 court clerks, adult protective services workers, and other court
12 facilitators, to another to complete the form provided by the court in
13 subsection (5) of this section does not constitute the practice of law.

14 (7) A petitioner is not required to post bond to obtain relief in
15 any proceeding under this section.

16 ((+6+)) (8) An action under this section shall be filed in the
17 county where the petitioner resides; except that if the petitioner has
18 left the residence as a result of abandonment, abuse, financial
19 exploitation, or neglect, or in order to avoid abandonment, abuse,
20 financial exploitation, or neglect, the petitioner may bring an action
21 in the county of either the previous or new residence.

22 ((-7- The filing fee for the petition may be waived at the
23 discretion of the court.))

24 (9) No filing fee may be charged for proceedings under this
25 section. Forms and written instructions shall be provided free of
26 charge.

27 NEW SECTION. Sec. 2. A new section is added to chapter 74.34 RCW
28 to read as follows:

29 (1) The administrative office of the courts shall develop and
30 prepare instructions required under RCW 74.34.110, standard petition
31 and order for protection forms, and a court staff handbook on the
32 protection order process. The standard petition and order for
33 protection forms must be used after September 1, 2007, for all
34 petitions filed and orders issued under this chapter. The
35 instructions, forms, and handbook shall be prepared in consultation
36 with interested persons, attorneys from the elder law section of the

1 Washington state bar association, judges, the department of social and
2 health services, and law enforcement personnel.

3 (a) The instructions shall be designed to assist petitioners in
4 completing the petition, and shall include a sample of the standard
5 petition and order for protection forms.

6 (b) The order for protection form shall include, in a conspicuous
7 location, notice of criminal penalties resulting from violation of the
8 order.

9 (2) The administrative office of the courts shall distribute a
10 master copy of the standard petition and order for protection forms,
11 instructions, and court staff handbook to all court clerks and shall
12 distribute a master copy of the standard petition and order for
13 protection forms to all superior, district, and municipal courts.

14 (3) For purposes of this section, "court clerks" means court
15 administrators in courts of limited jurisdiction and elected court
16 clerks.

17 (4) The administrative office of the courts shall determine the
18 significant non-English-speaking or limited-English-speaking
19 populations in the state. The administrator shall then arrange for
20 translation of the instructions required by this section, which shall
21 contain a sample of the standard petition and order for protection
22 forms, into the languages spoken by those significant non-English-
23 speaking populations, and shall distribute a master copy of the
24 translated instructions to all court clerks by September 1, 2007.

25 (5) The administrative office of the courts shall update the
26 instructions, standard petition and order for protection forms, and
27 court staff handbook when changes in the law make an update necessary.

28 **Sec. 3.** RCW 74.34.130 and 2000 c 119 s 27 and 2000 c 51 s 2 are
29 each reenacted and amended to read as follows:

30 The court may order relief as it deems necessary for the protection
31 of the petitioner, including, but not limited to the following:

32 (1) Restraining respondent from committing acts of abandonment,
33 abuse, neglect, or financial exploitation;

34 (2) Excluding the respondent from petitioner's residence for a
35 specified period or until further order of the court;

36 (3) Prohibiting contact by respondent for a specified period or
37 until further order of the court;

1 (4) Prohibiting the respondent from knowingly coming within, or
2 knowingly remaining within, a specified distance from a specified
3 location;

4 (5) Requiring an accounting by respondent of the disposition of
5 petitioner's income or other resources;

6 (6) Restraining the transfer of property for a specified period not
7 exceeding ninety days; and

8 (7) Requiring the respondent to pay the filing fee and court costs,
9 including service fees, and to reimburse the petitioner for costs
10 incurred in bringing the action, including a reasonable attorney's fee.

11 Any relief granted by an order for protection, other than a
12 judgment for costs, shall be for a fixed period not to exceed (~~one~~
13 ~~year~~) five years. The clerk of the court shall enter any order for
14 protection issued under this section into the judicial information
15 system.

16 **Sec. 4.** RCW 74.34.210 and 1995 1st sp.s. c 18 s 86 are each
17 amended to read as follows:

18 A petition for an order for protection or an action for damages
19 under this chapter may be brought by the plaintiff(~~(τ)~~) or l where
20 necessary, by his or her family members (~~(and/or)~~) l guardian or legal
21 fiduciary, or (~~(as otherwise provided under this chapter)~~) other person
22 on behalf of the plaintiff, provided that the action is brought in good
23 faith. The death of the plaintiff shall not deprive the court of
24 jurisdiction over a petition or claim brought under this chapter. Upon
25 petition, after the death of the vulnerable person, the right to
26 initiate or maintain the action shall be transferred to the executor or
27 administrator of the deceased, for the benefit of the surviving spouse,
28 child or children, or other heirs set forth in chapter 4.20 RCW.

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